

LEE HIGH, LTD.
Elizabeth High, Esq.
Nevada Bar No. 10082
448 Ridge Street
Reno, Nevada 89501
Telephone: 775.324.1011
Email: e.high@lee-high.com

Attorneys for Interested Party
Jefferson Loflin

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:

GYPSUM RESOURCES
MATERIALS, LLC,

- ☐ Affects Gypsum Resources Materials, LLC
☐ Affects Gypsum Resources, LLC
☒ Affects all Debtors

Case No. BK-S-19-14796-MKN

Jointly Administered with
Case No. BK-S-19-14799-MKN

Chapter 11 Case

**STIPULATION FOR RELIEF FROM
THE AUTOMATIC STAY**

(NO HEARING REQUIRED)

This stipulation ("Stipulation") is made by and between Gypsum Resources Materials, LLC and Gypsum Resources, LLC (collectively, "Debtors"), by and through their counsel, Brett A. Alexrod, Esq., Fox Rothschild, LLP, and interested party Jefferson Loflin ("Loflin"), by and through his counsel, Lee High Ltd. and is predicated upon the following:

RELEVANT BACKGROUND

1. On January 7, 2019, Loflin filed a Complaint in the Eighth Judicial District Court for the District of Nevada, Clark County against Karl Kosey ("Defendant" or "Kosey") as Case No. A-19-787012-C, entitled *Loflin v. Kosey et al.* (the "State Court Case").

2. On July 26, 2019, the Debtors filed separate voluntary petitions under Chapter 11 of Title 11 of the Bankruptcy Code, thereby commencing the above-captioned Chapter 11 cases ("Chapter 11 Cases"). Docket No. 1.

1 3. On August 5, 2019, the Court entered the Order Directing Joint Administration of
2 Related Cases Pursuant to Bankruptcy Rule 1015(b) and Local Rule 1015, ordering that the
3 Chapter 11 Cases be jointly administered. Docket No. 29.

4 4. On November 26, 2019, Kosey named both Debtors as third-party defendants in
5 the State Court Case.

6 5. On February 6, 2020, counsel for the Debtors in the State Court Case filed the
7 Third-Party Defendants Gypsum Resources, LLC and Gypsum Resource Materials, LLC Notice
8 of Bankruptcy Actions. Debtors thereafter filed the Third-Party Defendants Gypsum Resources
9 Materials, LLC and Gypsum Resources, LLC's Answer to Karl Kosey's Third-Party Complaint
10 on March 3, 2020.

11 6. Debtors and Loflin have met and conferred and have agreed and stipulate as
12 follows:

- 13 a. The automatic stay pursuant to 11 U.S.C. § 362(a) shall be terminated for the
14 purpose of allowing Loflin to propound discovery on the Debtors to assist him
15 with his claims against Kosey in the State Court Case;
- 16 b. Loflin's claims against the Bankruptcy Estate are zero; and
- 17 c. Nothing in this Stipulation shall prevent Loflin from pursuing his worker's
18 compensation claims outside of the Debtor's Bankruptcy Estate.

19 **NOW, THEREFORE**, Debtors and Loflin stipulate and agree as follows:

20
21
22
23
24
25
26 ///

27 ///

28 ///

AGREEMENT

Based upon the foregoing and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Debtors and Loflin stipulate and agree as follows, subject only to entry of an order by this Court approving this Stipulation:

1. Debtors and Loflin have met and conferred and have agreed and stipulate that the automatic stay pursuant to 11 U.S.C. § 362(a) shall be terminated for the purpose of allowing Loflin to propound discovery on the Debtors to assist him with his claims against Kosey in the State Court Case.

2. Loflin's claims against the Bankruptcy Estate are zero.

3. Nothing in this Stipulation shall prevent Loflin from pursuing his worker's compensation claims outside of the Debtor's Bankruptcy Estate.

IT IS SO STIPULATED.

DATED this 13th day of May, 2021.

LEE HIGH LTD.

FOX ROTHSCHILD, LLP

By: /s/ Elizabeth A. High, Esq.
ELIZABETH A. HIGH, ESQ.
Nevada Bar No. 10082
448 Ridge Street
Reno, Nevada 89501
Telephone: (775) 324-1011
Attorneys for Interested Party
Jefferson Loflin

By: /s/ Brett A. Axelrod, Esq.
BRETT A. AXELROD, ESQ.
Nevada Bar No. 5859
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135
Telephone: (702) 262-6899
Attorneys for Debtors